

FARMINGTON CITY COUNCIL MEETING

December 1, 2015

WORK SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, Community Development Director Dave Petersen, City Attorney Todd Godfrey, and City Recorder Holly Gadd.


CLOSED SESSION

Motion:

At 5:30 p.m., **John Bilton** made a motion to go into a closed meeting for purpose of discussing property acquisition. **Brigham Mellor** seconded the motion which was unanimously approved.

Sworn Statement

I, **Jim Talbot**, Mayor of Farmington City, do hereby affirm that the items discussed in the closed meeting were as stated in the motion to go into closed session and that no other business was conducted while the Council was so convened in a closed meeting.



Jim Talbot, Mayor

Motion:

At 7:00 p.m., a motion to reconvene into an open meeting was made by **John Bilton**. The motion was seconded by **Cory Ritz** which was unanimously approved.

REGULAR SESSION

Present: Mayor Jim Talbot, Council Members Doug Anderson, John Bilton, Brigham Mellor, Cory Ritz and Jim Young, City Manager Dave Millheim, City Development Director David Petersen, City Engineer Chad Boshell and City Recorder Holly Gadd..

CALL TO ORDER:

Roll Call (Opening Comments/Invocation/Pledge of Allegiance)

The invocation was offered by Councilmember **Brigham Mellor** and the Pledge of Allegiance was led by **Austin Gillette** from Boy Scout troop 1903.

NEW BUSINESS:

Discussion regarding Parking at the Legacy Events Center

Dave Hansen, 852 West 1300 South, Syracuse, Utah. **Dave Hansen** (Legacy Events Center Manager) said there has been concern with parking at Legacy Events Center. He said in the past they have charged for parking, which has led people to park on the street. He said they have tried to encourage people to park in their free parking lot to the north of the Legacy Events Center. He said people typically want to park as close as possible to the front door, and still opt to park on the street. He met with the Police Chief about posting some signage to encourage people to park in the available parking lots instead of on the streets. **Mayor Talbot** said the free parking will go a long way to help keep the parking off the streets.

Update on North Station Development and Market Study Request/Class A Office Park next steps

Dave Millheim said there are about 250 acres north of Station Park that have long been planned as a Class A Business Park. Chartwell Development has purchased about 80 acres of that land and are in cooperation with abutting property owners for about 80 acres more. There is an influx of potential development due to the success of Station Park. A lack of planning and infrastructure are problematic for new developments, and there are lots of infrastructure questions for this area. Building it out parcel by parcel will likely result in a disjointed development, which underscores the importance of having a unified plan. There are other property owners that have stakes in what will go in. An assisted living group recently made an application for a 15 acre parcel. While the use is a good fit for that area, it does affect the road and storm drain issues. Chartwell has proposed to conduct a market study on market absorption and potential uses in that greater area (not just their 80 acres). Staff is recommending that the City participate by paying up to 20%, not to exceed \$10,000. The study would help answer questions the City has about where the roads and storm drains need to go. If the assisted living comes in and the road/storm drains are put in at the wrong place, it will affect all the other businesses that go in. This study will help connect the dots for the project as a whole. Staff recommends approving the request to assist in the market study with the conditions as outlined. He said that Dave Petersen will also outline some of the next steps.

Dave Petersen said the extension of 1100 West is a priority for the City. It is anticipated to become a major collector and a major intersection there is also anticipated. Additionally, if a Shepard Lane interchange does not go in, Park Lane will not function as it should. The assisted living facility is one of several property owners that will help complete the project, however the way it will impact the other projects needs to be considered. A meeting was held with several of the property owners and it became clear that the market and the uses that will flourish need to be determined in order to know what kind of road/infrastructure is needed to accommodate the traffic. We do not yet have an update on the wetland study for that area. **Chad Boshell** said the storm drain in the area is complex. It has a limited downstream capacity. The City has to balance which direction to send the water because several existing storm drainage routes are at capacity. They are currently working on

this aspect of the plan, but a unified plan for that entire area will be essential to manage it properly. **Dave Petersen** said the transportation study will use the information from the marketing study in order to effectively accommodate traffic needs and build good road alignments. Another decision to make will be whether to allow any housing in the office park. **Dave Millheim** said Ascent is frustrated at having to jump through so many hoops for their assisted living facility, however he said there is a logical sequence of necessary steps to follow to ensure it is done right. A question remains of how to pay for the roads, because the impact fees will pay for perhaps 20%. The City Council may need to consider a CDA, which will assess the property owners proportionately for the development of the area and infrastructure.

Brigham Mellor said he thinks the CDA is a good route, and reminded the Council that the County will participate at 50% of the tax increment. He recommended contacting Matt Godfrey to assist the City in applying for grants as well. **Dave Millheim** said the City will likely have to get creative in figuring out how to pay for all the needed infrastructure. **Brigham Mellor** referenced an email with questions about the design of the business park in relation to the proposed study, and **Dave Millheim** said the study is not about the design standards and building placement, but is purely about market absorption. The site plan will address the design standards, ambience, and buffering, etc. **Cory Ritz** asked if the text of the zoning ordinance has been changed to provide for graduation of the building heights and intensity of the use as it approaches the rail, and **Dave Petersen** said that it has not. **Mayor Talbot** pointed out the importance of building roads that will sustain the City. He said that although he would rather not have to spend the money, he is in favor of assisting with the study.

Motion:

Jim Young made a motion that the City Council approve the request to authorize the City to contribute up to 20% (not to exceed \$10,000) subject to invoice verification for a market study of potential uses. Conditions of approval are as follows:

1. The City will receive a copy of the market study once completed which will become public document.
2. Chartwell Capital Partners will have primary responsibility for conducting the study but will keep the city informed as to scope of work and other general questions which may arise during the course of the study.
3. Chartwell agrees to discuss with the City Council in a future work session format the summary results of the market as it relates to the potential future office park and related uses.
4. Per the attached letter Chartwell represents they are a significant property owner of approximately 80 acres in the study area and that they are working with other property owners in the study area who together add another 80 acres to the study area.
5. Chartwell represents the marketing study may include additional properties in the area above the approximately 160 acres if deemed needed by the study consultant.
6. The primary purpose of the market study and the reason the City will assist is it will aid the City and area property owners in preparing a relevant traffic study (based on property uses) and will also allow issues of wetlands, road placement, storm drainage, and other public infrastructure questions to be clarified.

Doug Anderson seconded the motion which was unanimously approved.

Discussion regarding the Retirement Health Savings (RHS) Plan for Part Time Fire

Mayor Talbot said he was taken aback by the amount of money that the City has to pay. **Dave Millheim** said the State audited the City's payroll and benefits practices. This plan was put in place years ago as an incentive for part time fire employees when the City did not have full-time 24/7 coverage. The City's fire coverage has increased, and there are very few employees that this applies to now. Many of the part-time employees are working over 20 hours, which qualifies them for this benefit. It is estimated that the City owes \$80,000 for these employees' retirement benefits. The Council can continue the benefit, or follow staff's recommendation to discontinue the benefit. This is a discussion only item and will come back as a summary action item at a future meeting. This will affect 17 employees. This is a General Fund obligation, however Chief Guido Smith suggested that it could be paid from the Ambulance Fund. If the Council approves payment, it will be taken from the Ambulance Fund so it will not affect the General Fund. He asked the Council for direction. **Mayor Talbot** said although it will affect a number of people, this benefit is not currently being used as it was intended. **Jim Young** agreed that it would be better to discontinue it now rather than obligate the City to pay this benefit in perpetuity. He said it is an extensive liability. **John Bilton, Cory Ritz, Doug Anderson** and **Brigham Mellor** said they were in favor of staff's recommendation. **Brigham Mellor** asked if the affected employees were hired with the understanding that they would receive this benefit in perpetuity. **Dave Millheim** said many of the employees are part-time for the City and either full or part-time elsewhere, and were unaware that the benefit would be triggered by working over 20 hours. The Council has increased fire department salaries recently in order to assist with employee retention, and maintaining this benefit would be a long-term expense. **Jim Young** clarified that the employees still get to keep what they have accrued thus far, which **Dave Millheim** confirmed. **Dave Millheim** said a motion to discontinue this benefit will be on a future agenda as soon as the paperwork can be prepared.

Plummer Conservation Easement Amendment Request (Viking Ranch)

Dave Petersen referenced the applicant's request and staff's summary of it in the packet. He also referenced the conditional uses for conservation easements, on Exhibit B. When the subject of putting in a park on a conservation easement came before the Council previously, they discussed amending the conditional uses; however the City attorney stated that the conditional uses on Exhibit B cannot be amended because it was written to be a conservation easement in perpetuity. Allowed conditional uses cannot provide a private benefit to a landowner. He reviewed each of the proposed uses and the reason it would or would not qualify as a conditional use. **Dave Millheim** said if the Council chooses to move this application forward, each proposed use will have to be considered on a line by line basis based on the proposed specific area and the original intended use. **Dave Petersen** said there is a whole list of approved conditional uses, and the applicant wants to modify Exhibit B to match the text of the ordinance. **Cory Ritz** asked if growing pumpkins, corn, hay or alfalfa, should be allowable as long as it is an agricultural crop and not a recreational crop, and if the text should be more general, which **Dave Petersen** confirmed and said could be clarified.

Spencer Plummer, 908 South Signal Hale, Fruit Heights, Utah. He said it is discouraging to hear that there cannot be a commercial building at Buffalo Ranch; however he said Buffalo Ranch is a commercial breeding operation with 44 employees. He said they invested \$15 million into the facility. He said they chose this location as their home. He said they did not choose for the West Davis Corridor to come through their property, and they are trying to figure out ways to recoup their losses and the jobs that will be lost on their property as a result of the potential changes. He said they are trying to figure out ways they can use the existing buildings on their property going forward. He said his parents are under a hardship as a result of the highway. He said this may not be a huge priority for the City, but is a huge priority for his family. He wanted to talk about the allowed uses on the conservation easement. He said they cannot operate their business with a highway going right through their property. He said they are not asking for a check to recover what they anticipate losing, but for a way to build a viable business again. He wanted to propose a master plan to make the changes more appealing to Farmington residents.

John Bilton said what is before the City is an important conversation regarding the conservation easement that has been established with Buffalo Ranch. He said it is important for the Council to remember why it was established and what it means to the community. One issue he has is with some of the language in the easement amendment policy. Open space has been important in Farmington, particularly in west Farmington. However, he said some of the mandatory criteria are really tight. He said he goes back to some of the core principles in the recitals of the original conservation easement documents. He said the issue for him is to see how they can meet the criteria and change the uses on the property; he feels it would be substantially difficult for them to do so. **Brigham Mellor** said the responsibility to preserve conservation easements has been discussed ad nauseam, and the City attorney has advised the Council that amending conservation easements to fit the uses that the applicant has brought up jeopardizes the City's ability to protect those easements prior to the record of decision from UDOT. He said the west side of Davis County is in limbo until we know what is going to happen with the West Davis Corridor. He is interested in entertaining an amendment once the City has the record of decision, but until then he feels it would be premature. **John Bilton** referenced paragraph 17 of the conservation easement, and said regardless of unknown factors such as the record of decision, he would come back to the documents and the recitals and criteria contained therein. He said the City gave up a lot when it created the conservation easements, and gave density bonuses to developers as part of the package. There was benefit for the developers, the community, and the City. The conservation easement creates a natural buffer between the lake and the bird refuge, and the community. The conservation easement states that the easement may be extinguished with an unexpected change in conditions. He said because we do not have the record of decision today, it is still speculation.

Dave Millheim said Mr. Plummer raises an important point, and acknowledged the frustration surrounding the uncertainty. The City is the grantee referenced in Paragraph 17, which says "the grantee shall not voluntarily or willingly allow the termination of any of the restrictions of this...use...It may only be extinguished by an unexpected change in conditions." He said clearly a highway is a change in conditions, however there is no way to know for certain where it will land until we have a record of decision. There is an argument to be made for examining the easements if the highway does eventually go through there. The language in the easement policy regarding the implementation of any change was designed to be very restrictive. If the highway goes through, that is a major change, and Mr. Plummer wants to open up a dialog about what he can do with his property. The Plummer's have a

hardship application pending with UDOT for the sale of all the land they want for the corridor, which leaves the Plummer's buildings and about 32 acres of land for their family. He said the question is whether to answer what can be done with his property today or in the future. When the Council does examine each potential use, it will have to be done at a public hearing at the community center and there will likely be many in attendance to voice their opinions. If the Plummer's choose to go forward with their application, staff will need to notice a public hearing. The other option is to wait until there is a formal decision about the highway. Whether they sell to UDOT is their decision, and that decision will likely happen before the record of decision. He asked the Council if staff should schedule the public hearing, and if they are prepared to examine each item.

Spencer Plummer said he appreciates the intent of the conservation easement that was created in 2003. However on the 2009 Master Transportation Plan made by the Planning Commission, Buffalo Ranch was recommended as a good route for the West Davis Corridor. He said they cannot have it both ways, and they are stuck with both the easement and the potential highway. He wondered who is looking out for them as a large landowner in Farmington, who invested millions of dollars into their operation. He said their family's net worth is tied up in this ranch. He said they have been cooperative through the entire process. He said they are looking for direction from the City Council to see what they can do with what they have left. He said they cannot run a commercial breeding operation without their land. He said they care about conservation. He acknowledged that the City Council is looking at the big picture and long term issues for the City, but he said they are looking to survive as a family. He said his parents have agreed to a purchase price with UDOT for the land for the corridor and to the west; the land to the east is what remains in question. He said if the City does not allow them to do anything with the property, then that will destroy the east portion of their land and there will be a lawsuit.

John Bilton said the City is under obligation to protect the easements, but if an unexpected change makes it impossible to fulfill the purpose of the easements, then it is time to start the conversation about what can be done on the property. He said he believes that conversation started tonight. **Dave Millheim** said the question is at what point the change in condition was caused. He said the Plummer's will likely argue that the proposal of the highway constitutes a change in conditions, however the City's legal counsel has said conditions have not changed until there is a record of decision. **John Bilton** said even with a record of decision the highway may not go in for another decade. **Cory Ritz** said when Buffalo Ranch was first proposed on the conservation easement, the City was excited about the possibility and it was a great use for the property. He said that had Buffalo Ranch been maintained at its fully capacity, it would have built up its value and the value of the easements, which would have aided the decisions being made now. Farmington still believes the Shepard Lane alignment is viable. All this being said, he still believes it is the City's duty to protect the conservation easements until UDOT makes its move. Once UDOT issues the record of decision, that would be an appropriate time to discuss whether the easement has been destroyed and what changes can be made. **Doug Anderson** said he does not know if it would be wise to hold a public hearing soon when nothing can be done until a year from now when the record of decision is anticipated. **Dave Millheim** said Mr. Plummer has submitted an application and gets to decide if he wants to have the public hearing. If he decides to move forward with the public hearing, then the Council gets to decide, line by line, which of the proposed uses are allowable. **Mayor Talbot** said it may be more adverse for Mr. Plummer if he asks the Council to move forward with a public hearing without the record of decision. **Brigham Mellor** said the Council is not closed to any possibilities. He said the Council does

not have the ability to give the Plummer's what they want in terms of a decision until there is a record of decision from UDOT. **Mayor Talbot** said now Mr. Plummer has an understanding of the Council's feelings on the issue and he and his family can decide how they want to proceed. **Spencer Plummer** said they want to be heard, and they want to get something out of their ranch. He invited the Council and staff to come out and tour the ranch. **Dave Millheim** made 3 suggestions: he recommended that the Council schedule a work session time to go out to the property for a tour; he agreed with Mr. Plummer that UDOT has represented things that they have not followed through with, but said that they have to follow the EIS process and the Plummer's should be aware of that; and finally he said the Plummer's change of use application has been filed with the City, and the moment they notify the City in writing that they want to proceed, the City will schedule the public hearing; otherwise the application will sit in limbo.

650 West and Clark Lane Street Cross Section Request—Clark Lane Apartments

Dave Petersen said the applicant has planned for 196 parking stalls within the development for 140 dwelling units. The developer can additionally count parking on the street. **Cory Ritz** asked what happens with those parking spaces during the winter time. **Dave Petersen** said they reviewed a similar situation with the City attorney and he said they allowed in that ordinance to count toward his total. **Mayor Talbot** asked why parking on the street counts when the City does not allow overnight parking on the streets during the winter. **Dave Petersen** answered that overnight parking during the winter is allowed in mixed use zones. **Mayor Talbot** said he does not know of any development that can count parking on the street toward their total. **Dave Petersen** said when the City established the farm based code in Chapter 18 (in 2008), the City Council went on a tour in Colorado. During that visit it became clear that on street parking is necessary to make vibrant mixed use areas. He said the Council at the time asked questions about snow removal, and were told it is not a problem in Colorado, and they get more snow than the Wasatch Front. A decision was made by the City Council at the time to allow on street parking to count toward a developers total in mixed use areas. **Mayor Talbot** asked if the City is allowing them to use City parking overnight, or to count stalls on City property, since this property abuts the City's park and shop. He also asked if the City will be putting up a fence so they cannot park there. **Dave Petersen** said no to each question. He said the City's right of way takes in a whole series of parking stalls. He said they have thought it through ad nauseam and he can answer any questions that may come up. He said they will not allow parking on City property for liability reasons as well as due to overlap in the morning and evening peak times. **Brigham Mellor** asked how this compares to the Park Lane Village in terms of parking. **Dave Petersen** said it is comparable, however Park Lane Village abuts private streets. **Brigham Mellor** said he thinks this accomplishes what they are trying to do in the TMU zone by concentrating the density near the train station. **Mayor Talbot** said his concern is that the public streets where residents may park are major streets. **Dave Petersen** referenced the table in the packet. He said the Public Works does not want residents parking along State Street. However he said the Public Works and Parks department are violating City rules by parking in right of ways. **Mayor Talbot** said there are sufficient parking stalls for the employees if you include the parking available behind the building. **Dave Petersen** said they arrived at a compromise with the developer. There will be no winter parking along State Street. Staff is not recommending street vacation along Clark Lane (99 feet wide) or 650 West (106 feet wide), but perpendicular parking. Additionally the developer will enter into a license agreement to maintain the area (snow removal and asphalt) in

exchange for the parking spaces. The parking will be such that there is two way movement along the aisle and there will be aggressive ticketing from their property manager for violations. **Cory Ritz** asked if the snow will be piled behind the cars if parking is allowed during the wintertime. **Dave Petersen** replied that yes, they will. **Chad Boshell** said there will be a water way where City maintenance will end, and the City will pile the snow there, and it will be up to the property owner to remove it from there. **Mayor Talbot** asked how many parking spaces are legally required. **Dave Petersen** said 221. **Mayor Talbot** said people do not want to park in the parking lot at the Legacy Events Center and park along the streets there, which has been problematic. He said this arrangement goes against what he has believed about developments of this nature. He wonders how they are going to keep people from parking along State Street, which is a major thoroughfare. He also commented that one cannot control when the snow will fall, and parking along the streets will be problematic for snow removal. He wants to support the development, but feels this is going beyond what the City would normally do to accommodate this development. He wondered if they could use fewer parking stalls. **Dave Petersen** said the developer feels the market needs dictate 259 stalls, which is more than the ordinance requires. **Brigham Mellor** said the developer is going above and beyond the ordinance requirement. **Dave Petersen** said that by ordinance the developer is allowed to count the parking along State Street toward his total, but he has said he will not allow parking there and will not count it, and so State Street parking is off the table. **Cory Ritz** asked about the density on this property. He calculated that it is 140 units on 4.9 acres, which comes out to about 32 units per acre. He said he does not like this project. He wonders how the City got to this point on the project and this is the first the Council is hearing about it. He said there were some things that came out of the trip to Denver that Dave Petersen referenced, that he is not in agreement with. He said they were concerned about densities of 12 and 14 at other recent developments, and this development has a density of 32. **Dave Petersen** gave an example from when Park Lane Village came in. He said they knew there were 324 planned units, and the density was not discussed, the focus was on the placement, height of the buildings, etc. He said the focus has been on whether the projects met the ordinance. Clark Lane Apartments came before the Planning Commission with 140 units, and it was desirable because the density is significantly lower than other proposals. **Dave Millheim** said CenterCal has a development agreement with an incentive for housing, and they needed to put in at least 50 units. The density is not addressed in the TMU ordinance. The existing rules indicate that as many units can go in as can be accommodated with parking, etc. He said the Council can change those specifications in the future if they feel it is necessary. To answer Cory's question about how we got to this point, he said CenterCal solicited proposals from 10 different developers. The City did not select this proposal; CenterCal recommended this proposal. The City has simply accepted their site plan application. **Cory Ritz** said the point he wants to make is that by adopting the regulatory plan concept following the Colorado trip, proposals such as this one come through with large buildings on small pieces of property, and now the City is being asked to make concessions to accommodate their parking needs. He thinks they should have said no. **Dave Petersen** said he thinks the regulatory plan is a useful tool, but that perhaps the form should have been tweaked in hind sight. **Dave Millheim** said the City has adopted a transit-oriented development mindset in the Station Park area. Whether or not to adjust that is a policy decision for the Council to make. He stated that CenterCal did not take this decision lightly, and had a highly selective process. He said this developer and Center Cal will also provide improvements to the culvert there. He opined that the Council needs to look at the larger context, including the improvements the City is getting from this development. **Brigham Mellor** said the Council can allow the concession the developer has put forward, or

can oppose it on principle and perhaps have an inferior development as a result. He said it is a permitted use, and this is what transit-oriented development looks like. He said he was not surprised by this proposal at all, and he has seen it in the agenda for several months. **John Bilton** said he wants to understand the reason for parking outside the math required by ordinance versus what the developer has requested.

Bryce Thurgood, Perry, Utah. He said they are excited about coming to Farmington and not only building but also maintaining this project over the long term. He said this is an “A” class project. He said they want to make sure they have enough parking so they do not spill over into the Public Works parking. They want to be good neighbors with the Public Works building. They do not want to push the issue of parking along Clark Lane. They think with the improvements along 650 West, they will have enough parking for their residents without having to spill over. He said they strictly enforce parking at their developments. The extra parking is for convenience for their residents. **John Bilton** asked if 259 parking spaces are needed or if they could get by with the required 221. **Bryce Thurgood** said they prefer to air on the safe side and have plenty of parking for their residents so they have no reason to park elsewhere. **John Bilton** asked if their parking is by permit for residents only. **Bryce Thurgood** said they have not done that in the past but would be willing to explore that option. **John Bilton** said like Brigham, he anticipated apartments going in at this site. However, he wonders if the Public Works parking lot is going to become overflow parking on weekends from Station Park and if there are going to be other parking issues with residents being allowed to park along the streets. **Mayor Talbot** said they all knew apartments would be built on this property, however he was surprised that they are allowing parking on a major thoroughfare such as State Street. He said he is primarily concerned about State Street. **Dave Petersen** said they mulled over the parking issue and knew the Council would not like the parking along State Street, but also felt constrained by the ordinance. He said this is the best arrangement they came up with, even though they knew the Council would not like it. He said the ordinance does allow on street parking when the development is adjacent to a public street. He said having no on street parking during the winter was a big deal for Public Works, which is how they arrived at the current compromise of keeping the on street parking along the interior. **Mayor Talbot** asked how many cars can park along State Street during the proper time. **Dave Petersen** said 35. He said State Street has an ample shoulder, and the street will still function with on street parking. **John Bilton** asked about a pedestrian crossing. **Dave Petersen** said there is a pedestrian crossing at the light. He said if the street cross section is approved, it will accommodate pedestrians. **Cory Ritz** said although perhaps they should have seen it coming, he may have missed it. He said they should have been asking density questions all along. He said maybe the Council should revisit the zoning, as what works in Denver may not be appropriate for Farmington. He thinks this is not the first thing people want to see as they enter Farmington. **John Bilton** asked to see the map projected. He clarified that the 259 parking spaces include their parking lot and the spaces along 650 West and Clark Lane, but not the 35 available spaces along State Street, which **Dave Petersen** confirmed. **Mayor Talbot** asked if the City needs a bike lane along the West side of State Street. **Dave Petersen** said the street is wide enough to accommodate a bike lane even with parallel parking. **Cory Ritz** said it looks like the State Street parking was included in their calculation of parking stalls. **Dave Petersen** said those parking stalls are not included in the calculation for the compromise at the bottom of the table. He said the figures at the top were for parallel parking along Clark Lane and 650 West, but in the compromise, the City is allowing perpendicular parking. He said the parking at the Public Works site will be strictly enforced. **Dave Millheim** re-emphasized the importance of parking enforcement and property management to the

developer. **Doug Anderson** asked about another development Bryce has completed. **Bryce Thurgood** said they just finished a development called Pinnacle at Highbury in West Valley. He said they do not want to disappoint the City and want to make it a high class project. **Cory Ritz** asked if the public hearings have been held yet, and **Dave Petersen** said they have.

Motion:

Brigham Mellor made a motion that the City modify the Clark Lane and 650 West Street cross sections as depicted on the attached site plan subject to the following:

1. The adjacent property owner of the apartment project shall be responsible for maintenance of abutting sidewalk, parking stalls, and the entire width of the drive aisle (the hatched areas on the plan), included but not limited to pavement, snow removal, etc.
2. The developer shall enter into a license agreement with the City for use of its rights-of-way.
3. Parking by Clark Lane Apartment residents is not allowed on City property or in City parking stalls located on the north side of the Clark Lane r.o.w. The owner of the apartment complex is responsible to ensure that this does not occur.
4. No winter overnight parking shall be allowed on State Street (or the east side of 650 West Street).

Jim Young seconded the motion which was unanimously approved.

Findings for Approval:

1. The wider sidewalks will accommodate the overhang of vehicles and provide space for pedestrians to and from the Legacy Trail, and Public Works and Parks and Rec building.
2. The street cross section provides for wide travel lanes on 650 West for truck traffic to and from the City facility.
3. Existing paved parking on the north side of Clark Lane is preserved and will continue to meet the needs of the Public Works and Parks and Rec building.
4. The wider travel area on 650 West provides for safer backing on to the street.
5. The winter parking restriction on State Street will enable City crews to remove snow all the way to the curb.
6. The motion allows the property owner to meet city parking requirements as per the City's Zoning Ordinance.
7. Ample parking is provided for the apartment complex and the City facility.
8. The 140 dwelling units, although not as many as previous inquiries for 200+ units, provides the economies of scale necessary to ensure enforcement of parking restrictions and the operation and maintenance of off-site parking and sidewalk facilities as set forth herein, and other on-site amenities.

SUMMARY ACTION

Minute Motion Approving Summary Action List

1. Resolution Adopting the Water Conservation Plan

Motion:

Jim Young made a motion to approve the items on the Summary Action List item 1. **Doug Anderson** seconded the motion which was unanimously approved.

Dave Millheim thanked Larry Famuliner for his efforts. He said this is the third year that crews have had to work on Thanksgiving to keep things in the City water system running. He wanted the Council to know of Larry's tireless efforts. The Council and Mayor all expressed their thanks.

GOVERNING BODY REPORTS:

City Manager – Dave Millheim

1. Executive Summary for the Planning Commission meeting held on November 19, 2015
2. Fire Monthly Activity Report for October 2015
3. He said the City invested \$500,000 to change out all the light bulbs in the street lights because of the savings that were guaranteed. He said they looked at the energy consumption on the Simmons Energy Audit report. The energy savings forecast was over \$57k, and the actual savings came in at just \$4 over the estimate. It was incredibly accurate.
4. He referenced the Ivory subdivision on the north end of Farmington. He passed out some pictures of a scarp. There is a small crack that formed on the hill that was discovered by Public Works after heavy rains in August. He said the detention basin is much larger than required for the site. There was a storm the day before they were supposed to lay asphalt, which washed away much of their fill. There has been flooding of the home beneath the subdivision, and Ivory has spent over \$100k repairing the basement of a home where water got in. The scarp is when there is a ground change taking place, and there is sloughing of the hill above the subdivision. He said we do not want a North Salt Lake situation. He said Ivory has been very responsive and has hired geotechs to examine the property. He said they took drills down 54 feet before they hit bedrock, which is a condition that preceded the Ivory development. There have been 3 huge storms since then, and it seems to be holding. He said Ivory recognizes that their digging the hole to fill in the pond area may be destabilizing the slope of the hill. Ivory has approached the City with a proposal to proactively dig out the lower portion of the pond deeper, and to re-compact and push more dirt to shore up the hill. The estimated cost is \$27,000. They are not obligated to do that, and are asking the City to participate in half the cost. He is recommending that the City participate, and additionally that the City ask the property owner above the development to split the City's portion of the cost. **Mayor Talbot** asked where the money is coming from, and **Dave Millheim** said the City's portion would come from the General Fund. He said the real problem is that the home above the development was built on fill 30 years ago. He wants to air on the side of caution. **Doug Anderson**

asked if this will solve the issue, and **Dave Millheim** said there are no guarantees. **Brigham Mellor** asked how it is fair to ask that resident to pay \$6000 if it was not a problem for 30 years, until the City allowed this development to go in. **Dave Millheim** said that is not an accurate statement, because this home is above the development and the property owners over-watering may be contributing to the problem. Ivory is aware of a potential lawsuit, and is going above and beyond to take care of it. **Jim Young** asked if the City is dragging itself into a potential lawsuit by participating, and **Dave Millheim** said no, the City would be protecting itself against a lawsuit by participating. He said doing nothing puts the City at greater risk for a lawsuit. **Mayor Talbot** said if the City does nothing, the homeowner would likely come after the City. **Dave Millheim** said he wants it on the record that he is recommending that the City be proactive in protecting that site. He has appreciated the way Ivory has approached the problem. **Jim Young** asked when we were made aware of the problem. **Dave Millheim** answered that the scarp was discovered in August, and Ivory ordered the geotech studies shortly thereafter. He said they got the study back yesterday. He said the City attorney concurs with his recommendation. He asked for a motion if the Council wanted to approve the expenditure.

Motion:

Doug Anderson made a motion that the City Council approve the recommendation to split the cost of the slope improvements with Ivory Homes in order to stabilize the home, and to approach the homeowner about splitting the City's portion of the cost. In the event the homeowner declines splitting the cost, the City will still move forward with the expense.

Brigham Mellor seconded the motion which was unanimously approved.

City Council Reports:

Doug Anderson said there is no street light at the trailhead to the Ranches Trail near Buffalo Ranch. He said residents have expressed concern regarding cars that are parked there at night, and over what might be going on there. He wondered about the cost of putting in a light there. He said he drove there the other night and saw a few cars parked there, and said it was completely dark. **Dave Millheim** said he will look into it.

Brigham Mellor said for the next meeting, he wants to discuss the sidewalks along 1100 West going over the culvert and accessing the school. He said he has had residents express concern about pedestrian access. **Dave Millheim** asked Mayor Talbot if he talked with Commissioner Petrof about the culvert. **Mayor Talbot** said he has not, and **Dave Millheim** asked him to have that conversation before next week's discussion.

Jim Young said there is a street light out in front of his house, which **Dave Millheim** said he would report the light out.

Council members **Cory Ritz**, **John Bilton** and **Mayor Jim Talbot** did not have anything to report at this time.

ADJOURNMENT

Motion:

At 10:20 p.m., **Brigham Mellor** made a motion to adjourn the meeting. **Doug Anderson** seconded the motion which was unanimously approved.



Holly Gadd, City Recorder
Farmington City Corporation